

Debtor(s)

PLEASE TAKE NOTE that the order titled Order Granting Motion for Relief from Stay Under 11 U.S.C. Section 362 (Unlawful Detainer)

was lodged on (date) 02/10/2023 \* and is attached. This order relates to the motion which is docket number 278.

\* Order revised to include additional language at page 3, paragraph 14 "Additionally, the Orange County Superior Court will not determine title/ownership of the Debtor's underlying mobile home and/or whether the Debtor's mobile home is property of the bankruptcy estate."

<sup>1</sup> Please abbreviate if title cannot fit into text field.



**Bankruptcy LODGED ORDER UPLOAD FORM**

Friday, February 10, 2023

CONFIRMATION :

Your Lodged Order Info:

( **11264138.doc** )

A new order and exhibit has been added

- **Office:** Santa Ana
- **Case Title:** Jamie Lynn Gallian
- **Case Number:** 21-11710
- **Judge Initial:** SC
- **Case Type:** bk ( Bankruptcy )
- **Document Number:** 278
- **On Date:** 02/10/2023 @ 04:08 PM

Thank You!

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United States Bankruptcy Court  
Central District of California  
Edward R. Roybal Federal Building and Courthouse  
255 East Temple Street  
Los Angeles, CA 90012

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS LLP 870 Roosevelt Irvine, CA 92620 Telephone: (949) 333-7777 Facsimile: (949) 333-7778  <input checked="" type="checkbox"/> Attorney for Movant <input type="checkbox"/> Movant appearing without an attorney	FOR COURT USE ONLY			
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA -<u>SANTA ANA</u> DIVISION</b>				
In re:  JAMIE LYNN GALLIAN,          Debtor(s).	<table border="1"><tr><td>CASE NO.: 8:21-bk-11710-SC CHAPTER: 7</td></tr><tr><td style="text-align: center;"><b>ORDER GRANTING MOTION FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)</b></td></tr><tr><td>DATE: 02/01/2023 TIME: 10:00 am COURTROOM: 5C PLACE: 411 W. Fourth Street, Santa Ana, California</td></tr></table>	CASE NO.: 8:21-bk-11710-SC CHAPTER: 7	<b>ORDER GRANTING MOTION FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)</b>	DATE: 02/01/2023 TIME: 10:00 am COURTROOM: 5C PLACE: 411 W. Fourth Street, Santa Ana, California
CASE NO.: 8:21-bk-11710-SC CHAPTER: 7				
<b>ORDER GRANTING MOTION FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)</b>				
DATE: 02/01/2023 TIME: 10:00 am COURTROOM: 5C PLACE: 411 W. Fourth Street, Santa Ana, California				
<b>Movant:</b> Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates				

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation
2. This order applies to the following real property (Property):  
Type of property: ☒ Residential ☐ Nonresidential  
Street Address: 16222 Monterey Lane  
Unit/Suite number: Space 376  
City, State, Zip Code: Huntington Beach, CA 92649
3. The Motion is granted under:  
a. ☒ 11 U.S.C. § 362(d)(1)  
b. ☒ 11 U.S.C. § 362(d)(2)

- c. ☐ 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:
- (1) ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or
  - (2) ☐ Multiple bankruptcy cases affecting the Property.
  - (3) ☐ The court ☐ makes ☐ does not make ☐ cannot make a finding that the Debtor was involved in this scheme.
  - (4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order is binding in any other case under this title commenced by or against any debtor who claims any interest in the Property purporting to affect such real property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.
4. ☐ As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:
- a. ☐ Terminated as to the Debtor and the Debtor's bankruptcy estate.
  - b. ☐ Modified or conditioned as set forth in Exhibit \_\_\_\_\_ to this order.
  - c. ☐ Annulled retroactive to the bankruptcy petition date. Any postpetition acts taken by or at the request of the Movant to enforce its remedies regarding the Property, including without limitation entry of any order, judgment or writ, do not constitute a violation of the stay.
5. ☒ Movant may enforce its remedies to obtain possession of the Property, including lockout, in accordance with applicable nonbankruptcy law, but may not pursue any monetary claim against the Debtor or property of the estate for amounts attributable to the period before the bankruptcy was filed except by filing a proof of claim pursuant to 11 U.S.C. § 501.
6. ☐ Movant shall not cause the Debtor to be locked out before (date) \_\_\_\_\_.
7. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the Debtor.
8. ☒ The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
9. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.
10. ☐ This order is binding in any other bankruptcy case commenced by or against any debtor who claims any interest in the Property, or purporting to affect the Property filed not later than 2 years after the date of entry of this order, except that a debtor in a subsequent case may move for relief from this order based upon changed circumstances or for good cause shown, after notice and hearing.
11. ☐ This order is binding and effective in any bankruptcy commenced by or against the Debtor for a period of 180 days from the hearing of this Motion.
12. ☐ This order is binding and effective in *any* bankruptcy commenced by or against *any* debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion.
- a. ☐ without further notice.
  - b. ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

13. ☐ A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion.
- a. ☐ without further notice.
- b. ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
14. ☒ Other (*specify*): The motion is granted for the reasons set forth in the motion and reply and as set forth by the Court in its tentative ruling attached as Exhibit "1" and as stated on the record. Additionally, the Orange County Superior Court will not determine title/ownership of the Debtor's underlying mobile home and/or whether the Debtor's mobile home is property of the bankruptcy estate.

###

4867-3602-7728, v. 1

EXHIBIT 1

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Scott Clarkson, Presiding  
Courtroom 5C Calendar**

**Wednesday, February 1, 2023**

**Hearing Room 5C**

9:30 AM

**8:21-11710 Jamie Lynn Galian**

**Chapter 7**

**#1.00**

CONT'D Hearing RE: Motion for relief from stay [Unlawful Detainer]

Houser Bros. Co., dba Rancho Del Rey Mobile Home Estates vs. DEBTOR  
(Motion filed 12/28/2022)

**[RE: 16222 Monterey Lane, Space 376, Huntington Beach, CA 92647]**

FR: 1-18-23

Docket 278

**Tentative Ruling:**

Tentative for 2/1/23 is to GRANT.

In order to determine if cause exists to modify the automatic stay and allow pending litigation to continue in another forum, several courts have come up with lists of "factors" to be weighed. The court in *Truebro, Inc. v. Plumberex Specialty Products, Inc. (In re Plumberex Specialty Products, Inc.)*, 311 B.R. 551, 559 (Bankr. C.D. Cal. 2004), listed twelve nonexclusive factors.

Having carefully applied the *Plumberex* factors to the facts before this Court, and noting that the Chapter 7 Trustee does not oppose the granting of relief from stay [Dk. 282] and Debtor's Opposition does not properly address such factors [Dk. 298], this Court is inclined to GRANT the Motion. Primarily, and despite Debtor's contentions otherwise, the relief requested will not interfere with the bankruptcy or pending adversary proceeding, or prejudice the interests of other creditors and interested parties, and would result in judicial economy and more expeditious determination for the benefit of all of the relevant parties. Moreover, "[h]earings on relief from stay are handled in a summary fashion. The validity of the claim or contract underlying the claim is not litigated during the hearing." *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740-41 (9th Cir. 1985).

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Central District of California  
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9:30 AM

**CONT...**

**Jamie Lynn Gallian**

**Chapter 7**

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1602445842>

Meeting ID: 160 244 5842

Password: 091470

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 244 5842

Password: 091470

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio,



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Central District of California  
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**CONT... Jamie Lynn Gallian**

**Chapter 7**

"screenshot," or otherwise. Violation of this prohibition may result in the imposition of monetary and non-monetary sanctions.

<b>Party Information</b>
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**Debtor(s):**

Jamie Lynn Gallian

Pro Se

**Movant(s):**

Houser Bros. Co. dba Rancho Del

Represented By  
D Edward Hays  
Laila Masud

**Trustee(s):**

Jeffrey I Golden (TR)

Represented By  
Aaron E. DE Leest  
Eric P Israel

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **February 10, 2023**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:** On **February 10, 2023**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**VIA REGULAR MAIL:**

**DEBTOR**

JAMIE LYNN GALLIAN  
16222 MONTEREY LN UNIT 376  
HUNTINGTON BEACH, CA 92649

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **February 10, 2023**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA PERSONAL DELIVERY:**

**PRESIDING JUDGE'S COPY**

HONORABLE SCOTT C. CLARKSON  
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA  
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE  
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C  
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 10, 2023

Date

Layla Buchanan

Printed Name

/s/ Layla Buchanan

Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO.:** Bradford Barnhardt  
bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com,  
danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR lwerner@wgllp.com, jig@trustesolutions.net;  
kadele@wgllp.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** D Edward Hays ehays@marshackhays.com,  
ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com;  
cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com,  
danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Laila Masud lmasud@marshackhays.com,  
lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com,  
mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

4879-0465-9015, v. 1